

# A Brief History of The Anton Chico Land Grant From Its' Beginning Until The Present

by  
Severiano R. Sisneros Jr. *Secretary/Treasurer*

## ANTONCHICO GRANT

finally confirmed  
resurveyed by  
Messrs. E. King & M. M. Mannon  
U.S. Deed Surveyors  
June 22 July  
1878

Scale 1000' inch

AS GRANTED BY FIDELINO MELGAREJO  
TO MANUEL RIVERA AND THE  
THIRTY SIX MEN ON MAY 2, 1822  
AND THE SAME PATENTED BY  
CONGRESS JUNE 21, 1860

*Severiano R. Sisneros Jr.*



# A Brief History of The Anton Chico Land Grant From Its' Beginning Until The Present by

Severiano R. Sisneros Jr.    *Secretary/Treasurer*

It is well to note that the people had already settled the land, had built homes, churches and farmed the lands by 1822. It was not until May 2, 1822 that Don Facundo Melgares granted to Manuel Rivera and the thirty-six men that accompanied him in the original petition, the 378,587.50 Acres that comprised the Area requested by the boundaries known as the Anton Chico Land Grant today.

Under Spanish rule, the Gobernator was the final authority in granting petitions for grants of land and very little changed as the territory of New Mexico passed from Spanish to Mexican rule and should not have changed under the treaty of Guadalupe Hidalgo as it passed from Mexican rule to the United States, on February 2, 1848.

The churchyard and graveyard at La Juncta where the Gallinas River enters the Pecos River is a testimonial to the first paragraph several gravestones testify that they were buried in the 1700's. We can say that our people lived within the Grant boundaries more than one-half century prior to the Melgares Petition by Manuel Rivera and the thirty-six-member council.

From 1822 to 1839, the settlers now being in full possession in fee simple absolute of the land granted to them under the petition and as directed by Manuel Baca, the Constitution Justice of El Bado, forever severing the land from the public domain and placing it beyond further reach and control of the government, got busy building communities and bringing in more settlers.

There is no doubt that by 1839 Anton Chico was a budding community along with all the other communities along the Pecos within the exterior boundaries of the lands the people now possessed.

During the year 1840 and in 1841 during the war, the United States Army occupied the town of Anton until 1846. From 1846 until February 2, 1848 when the Treaty of Guadalupe Hidalgo was signed, was only two years, after the Protocol de Queretaro May 26, 1848.

Placing everything in context, the people were in possession of the grant from 1822 thru 1848 with very little interference from the outside, during this period of 26 years after the signing of the treaty which lends credence that the United States acted in

good faith and would forever honor the terms set forth by the Treaty concerning land grants.

It was noted in the Surveyor Generals' report that the Anton Chico Land Grant was recommended for confirmation by the United States Government July 27, 1859, thru a trial heard June 27, 1859. William Pelham was the Surveyor General for the territory of New Mexico at that time.

On June 21, 1860 the Anton Chico Land grant along with twenty other land grants were confirmed by Congress. This was also the year that Abraham Lincoln was elected President of the United States.

The Civil War took its toll on the Anton Chico Land Grant as well as all of the United States because it was during much of this period that the scoundrels under the leadership of Preston Beck Jr., Donaciano Vigil and Juan Esteban Pino and their lawyer Hugh N. Smith laid their foundation to steal the Land Grant lands. The people remained in turmoil until the end of the war on August 20, 1866.

Unfortunately President Lincoln was assassinated on April 14, 1865. Between the Assassination of Lincoln and until July 2, 1881 when President Garfield was assassinated only 16 years had passed, allowing the appointment of his Vice-President Chester A. Arthur to the Presidency.

One can see what history records of this era. Simultaneously, the land grants are being confirmed and the courts controlled by the likes of T.B. Catron, Henry N. Atkinson, A.A. Jones, Elkins and the infamous Santa Fe Ring were busy finding loop holes in order to acquire these lucrative land grants. First they knew that the people of the grants together with the general public were virtually ignorant of Territorial Law. They were assured that during the War, the people would be busy etching out an existence. They were in the habit of assassinating presidents and history shows that Congress was in shambles and in constant arguments. This stage was set and a method developed and the land grants were destined to be exploited with the help of the courts both state and federal.

The year 1866 is significant to the history of the Anton Chico Land Grant in that the infamous Thomas B. Catron, a renegade from the confederate army during the civil war, came to Santa Fe purporting to have a law degree. It is well to note that "Mr. Big Bluff" was born in 1840 and to acquire a law degree prior to 1866 would place him going to college in his infancy.

A man with no principles or respect for the heirs of land grants including the Anton Chico Land Grant, Catron found a perfect bed to lay on after Preston Beck Jr. died on April 13, 1858 and Donaciano Vigil was still in his hay day providing the Surveyor General with false statements and controversial manufactured deeds which the non-experienced William Pelham used in his reports to Congress. Luckily Donaciano Vigil died in August of 1877 but not before he and Preston Beck Jr. and Hugh N. Smith had

persuaded the Surveyor General to recommend to Congress the confirmation of the purported Juan Esteban Pino grant in favor of Preston Beck Jr. by labeling it claim No One and thereby overlapping the Anton Chico Land Grant. The seed of deceit was now planted in this controversial overlap, proved later to be one of the most costly and lengthy court battle ever experienced by the Heirs of the Anton Chico Land Grant, which to this day has never been settled to the satisfaction of the people.

The history of the Anton Chico Land Grant overlap by Preston Beck Jr. began as a fraudulent plan concocted by Preston Beck Jr. and his lawyer Hugh N. Smith using their pawn Donaciano Vigil to steal a large portion of the Anton Chico Land Grant which was granted legitimately to the settlers of Anton Chico Land Grant, by labeling the Preston Beck Jr. no. 1 and the Anton Chico Land Grant no. 29.

Donaciano Vigil a close relative of the Juan Bautista Vigil that had served as secretary to The Provincial Deputation at the time that Facundo Melgares directed the legal constitutional Justice of El Bado Manuel Baca to place the people of Anton Chico in possession of the lands they were asking for, used this information to create a document purported to have granted to the rich, influential Juan Esteban Pino by one Bartolome Baca a self made political chief who neither had jurisdiction or authority to be granting any lands circumventing governor Melgares, a large tract of land comprising approximately 318,000 acres. Juan Bautista Vigil had recommended that the Esteban Pino Grant be named "The Hacienda de San Juan Bautista del ojito de Rio de las Gallinas" in his honor. It must be noted that Juan Esteban Pino, Don Antonio Ortiz, Juan Bautista Vigil and Bartolome Baca were land speculators even before Donaciano Vigil and Preston Beck Jr. arrived in New Mexico (1840). The grant to Juan Esteban Pino as presented to William Pelham, the Surveyor General, by Donaciano Vigil thru a petition written by their lawyer Hugh N. Smith to be confirmed as the Preston Beck Jr. Grant was purported to have been granted December of 1823 more than a year and one-half after Facundo Melgares granted the Anton Chico Land Grant to the people May 2, 1822.

It was this difference in priority that Judge Leahy later used as a basis for his court decree of September 6, 1915 that the town of Anton Chico had at all times since the 21<sup>st</sup> of June 1860, been the owner in fee simple of the tract of the land known as the Anton Chico Land Grant and that neither the NM Land & Livestock Company nor T.B. Catron, nor The Continental Trust Company had any title or Interest there to. See Judge Leahy's Decree

This grant to Pino was destined to be controversial from the beginning since from 1823 to the death of Juan Estevan. Pino in 1838 or 1839 was only 16 years old and Donaciano Vigil was offering fraudulent testimony to William Pelham during the years, 1855, 1856 & 1857 concerning this tract of land. Preston Beck Jr. would never live to see the confirmation of this grant since luckily he died in April 13, 1858 and the Congress went ahead and approved the grant anyway on June 21, 1860 two years after Beck died.



There is definitely something very wrong for a government <sup>that</sup> vowed to protect the lands and rights of the people by The Treaty of Guadalupe Hidalgo together with the Protocol de Queretaro, to be derelict in its duty and proceed to knowingly approve a grant that overlaps a previous legitimate grant and stand by and watch the Supreme Court reverse Judge Leahy's decree and proceed to issue the Mandate of November 28, 1928. The cost, the loss, the anguish of the heirs of the Anton Chico Land Grant cannot be measured in money alone.

The Congress entertained false testimony that Preston Beck Jr. purported to have purchased the grant from Justo P. Pino and his wife Gertrudis Rasco on October 30, 1854. Then on June 18, 1853 Manuel D. Pino and Josephita Ortiz his wife conveyed by deed of conveyance 1/3 interest to Hugh N. Smith as trustee in trust for Preston Beck Jr. when as a matter of record these two sons of Juan Esteban Pino had never occupied all of the grant and had borrowed money from Preston Beck to finance litigation against other settlers and to keep their livestock operations alive. Preston Beck Jr., Donacian Vigil and their lawyer Hugh N. Smith claimed that the Pino brothers never repaid the loan and therefore they foreclosed on the whole grant which Beck bought himself on December 26, 1854 and conveyed to his partner Donaciano Vigil one-half of the large irrigated tract known as the Pecos Pueblo Grant.

This was the Preston Beck angle that set the stage for the infamous T.B. Catron and the "Santa Fe Ring", thieves such as Stephen B. Elkins, Henry Waldo, Charles Gildersleeve, Louis Sulzbacher, Henry M. Atkinson the Surveyor General and Andrieus A. Jones all joined their ranks.

Ironically for the little pawns of Preston Beck such as Juan Bautista Vigil, after he helped and was very instrumental in the confirmation of the Preston Beck Jr. Grant, when it came time to confirm his grant claim No 26, Congress denied him the grant. That to me is poetic justice. The Juan Bautista Vigil Grant was the only grant not confirmed by Congress when the Anton Chico along with 20 other grants was confirmed February 3, 1860.

Although the survey of the Preston Beck Jr. Grant was approved November 23, 1860, the patent was not issued until June 13, 1886 25 years after Beck's death.

The Anton Chico Land Grant was resurveyed by Elkins & Marmon U.S. deputy surveyors under Henry M. Atkinson in order to show the Preston Beck Grant overlapping the Anton Chico Land Grant. Atkinson hoped by doing this he could acquire the complete Anton Chico Land Grant as originally granted by Facundo Melgares to the original grantees, for himself. Using the same tactics they were using to steal all the other land grants they purported to have purchased the interests of the Anton Chico Land Grant from the heirs of Manuel Rivera. It took eighteen fraudulent deeds to transfer the grant from the Rivera heirs to Atkinson as President of New Mexico Land and Cattle Company.

Under Mexican law the Rivera Heirs had nothing to transfer. Manuel lost whatever interest he had when he abandoned the Grant in 1827 only five years after the Granting by Melgares, leaving the interest in behalf of the other 36 original Grantees, such that the Rivera Heirs could not have acquired any interest later since none ever returned to live in Anton Chico. The Grant therefore belonged to the Residents of the Grant in Anton Chico, Tecolotito, Dilia La Juncta and Colonias. Their rights were protected under the Treaty of Guadalupe Hidalgo and the Protocol de Queretaro.

However Atkinson was not satisfied with this and continued relentlessly through his influence with the Commissioner of the General Land Office, Noah C. McFarland, to entice him into issuing the Anton Chico Patent to the Heirs of Manuel Rivera and his assignee who was himself. However his tactics with McFarland backfired and McFarland issued a 26-page opinion that the patent should be issued to the Town of Anton Chico and not to Manuel Rivera.

Atkinson and his cronies having tasted victory on other grants and having seen the value of the Prime lands of the Anton Chico Grant, refused to let the People of Anton Chico enjoy their Grant. They know that the McFarland procedure was merely a stepping stone to their intimate Friend I.M. Teller, who was a personal friend of A.A. Jones and T.B. Catron and a partner to Sulzbacher and Atkinson. True to form, Teller reversed McFarland's opinion adding some cocaine reason with the additional clause invented by lawyers to rob innocent people of the belongings namely " successors and assigns..." thus worded the Patent was issued March 27, 1883 despite efforts by the Board of Trustees to acquire the Patent to their Grant, Atkinson with the help of Judge Waldo Sulzbacher, Gidersleeve and even Winternitz denied the people their protected rights and filed an abstract of title in Probate Court and caused the Patent to be delivered to Atkinson as sole owner of the Grant. Atkinson, just like all his predecessors that endeavored to steal the Grant passed away leaving all his interests to T. B. Catron. Catron began to lease portions of the Grant to Texas Livestock Companies and this awoke the Board of Trustees to the fact that they had been cheated by the Surveyor General Atkinson who had retained the Patent in his possession and had proceeded to Quiet title for the entire Grant on August 22, 1884 by fraudulent means in a Court having been held in Bernallio County instead of San Miguel or Guadalupe and that they had plotted to conspire to obscure the Courts from the Town of Anton Chico by not notifying the Board which had entered a final decree on Nov. 10, 1884 unbeknownst to the residents of the Grant, and had granted the Patent to Atkinson.

On February 17, 1906 the residents of the Anton Chico Land Grant through their sixth, now the fourth Judicial District in Guadalupe County entitled cause number 98 against T.B. Catron etc., all which ended with Judge David J. Leahy's final decree Sept 6<sup>th</sup>. 1915 by which he declared the Nov. 10, 1884 Decree null and void and granted the Town of Anton Chico the Patent to their Grant. T.B. Catron again refused to honor Judge Leahy's decree and having been elected to the Senate after New Mexico became State used the office of the U.S. Senate with the help of A.A. Jones and the New Mexico Supreme Court which the Santa Fe Ring was in complete control of, appealed the Final Decree of the District Court, but this time they wanted to assure themselves that since the

people of the Grant were growing very tired of being cheated and on the verge of revolting, they would at least be guaranteed the Lion's share of the Grant, they conspired with Stephen B. Davis of Spies and Davis to approach the Board with the intention of filing suit against Andrieus A. Jones for the overlap and contingent upon winning they were to receive the customary 1/3 of the overlap at the same time that cause number 2637 was being decided in the Supreme Courts conspiring to reverse Judge Leahy's decree on Dec. 12, 1916 intervened the Board in Cause 609.

Through the complications of the two simultaneous Courts and assuring themselves to be successful, Davis invited Fletcher Catron to join the Board claiming that T.B. Catron had been awarded the 36,500 acres of overlap by a previous Court and Cause labeled number 2062 was made part of the proceedings. Judge Leahy's Decree was reversed by Judge Hanna on May 15, 1918, Richard H. Hanna Chief Justice of the Supreme Court.

Again Cause 609 in the District Court was decided in favor of the Anton Chico Land Grant however the Lawyers spies and Davis had revised the contingent fee of 1/3 of the overlap to read 1/3 of the Grant. The Board of Trustees believing that they had been granted the Patent of the whole Grant in the Sept. 6, 1915 District Court Degree and now were lead to believe that they were fighting for the overlap agreed to intervene on the cause 609 which ended in the District Court upholding the Grants position against A.A. Jones etc. The decree was issued March 18, 1921 after three years. This decree was appealed by A.A. Jones on May 31, 1921 and it took The Supreme Court until Nov. 28, 1928 to reverse the 1921 decree.

New Mexico was changing rapidly and the "Santa Fe Ring" was beginning to self-destruct even with the Political control of the Supreme Court by A.A. Jones and T.B. Catron but they still managed to attain what they set out to do. Shame on Luis E. Armijo that in June 13, 1929 he entered the final decree of March 18, 1921 by a Mandate from the Supreme Court Chief Justice Frank W. Parker Granting in cause Number 2637 to Natalia S. Jones, wife of A.A. Jones, all of the overlap in question.

Andrieus A. Jones never lived to see his shameful efforts come to fruition and this overlap has changed many times over passing from one owner to another to the point that the Board entered on another encroachment in the La Junta Area when Lester Clark purchased the Moon Ranch and The Bar Y. The Board was in the process of winning this litigation when Henry Singleton, the multimillionaire, purchased the land from Lester Clark even though the Land Grant lawsuit was pending in court on Oct. 31, 1990. This continues to be an on going controversial issue and again history repeated itself and Henry Singleton despite the fact that his worth was in excess of 700 million has joined all the others before him that sought by greed to posses the illusive Anton Chico Land Grant Lands.

The other portion of the Land Grant that is in contention is that portion of The Land Grant held by the Santa Fe National Forest. It was not enough that the Land Grant thieves were gnawing all around the edges of the Grant and that the U.S. Government

that vowed to protect the land and rights of the people have failed so miserably to do so, but they decided to jump on the "Band Wagon" also and took possession of the 15,500 Acres at the Cerrito de Bernal Point and instead of returning it to its rightful owners, established it as a National Forest. This is again a total miscarriage of Justice and failure of the Federal Government to live up to the Treaty of Guadalupe Hidalgo and the Protocol de Queretaro.

Is the Federal Government and the Forest Service then destined to join Donaciano Vigil, Preston Beck Jr., Hugh N. Smith, A.A. Jones, T.B. Catron, Spiess and Davis, Juan Esteban Pino, Juan Bautista Vigil, Stephen B. Elkins, Henry Waldo, Charles Gildersleeve, Louis Sulzbacher, Henry M. Atkinson, Judge Richard H. Hanna, Justice Frank W. Parker, H.M. Teller Gross, Kelly, "Con" Jackson, Lester Clark, Henry Singleton and all The Little Pawns of the Donaciano Vigil "Territorial Machine" together with every member of the now defunct "Santa Fe Ring" members too numerous to mention.

Out of this chaos of greed rise two champions that may have the key to righting the wrongs caused by the Federal Government and State Officials, Senator Pete B. Domenici and Senator Jeff Bingaman, and one Congressman Tom Udall.

The Anton Chico Land Grant is presently gathering all information necessary to respond to the GAO when the need arises. The present Anton Chico Land Grant Board is working towards subdivisions in the Granting of Lots to its Heirs. We have dedicated shooting ranges and training tracks for the people. Granted Lots for community water tanks, Health Centers and Rodeo Arenas and a Community Park at La Loma and Colonias.

The Grant has donated funds to the Churches of all the communities and renovated the Central Meeting Place "El Quartel" de "La Merced" at Anton Chico.

Most of its Land is now under lease to the Heirs at a mere 15 cents an acre per annum at a time when the gong rate to lease private lands is at an all time high of \$2.75 /ac / annum.

Open community lands are reserved for those who have no leased lands and given preference over leaseholders that must pay a higher grazing fee.

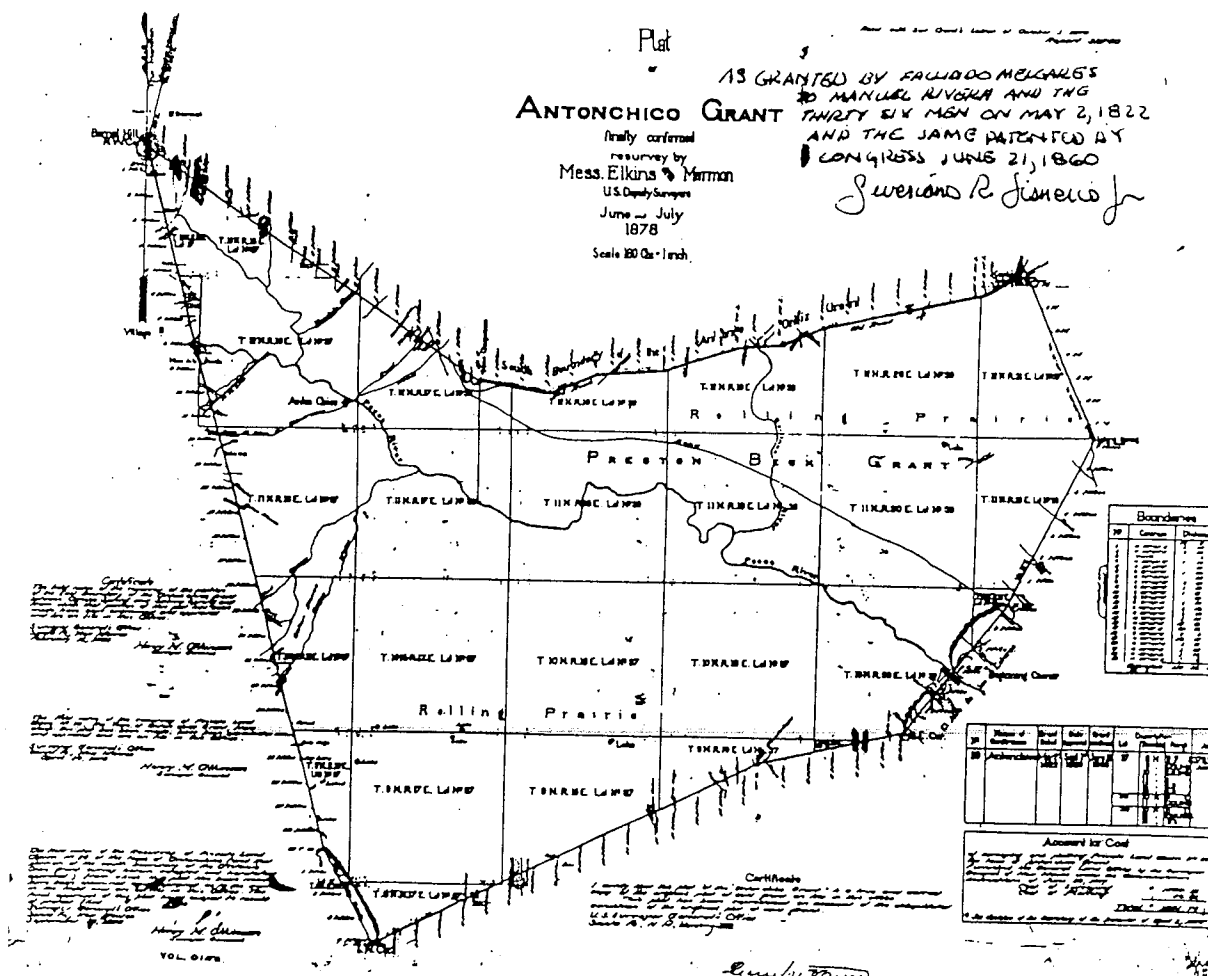
Of the original 378,587 Acres granted to us in 1822, more than 2/3rds have been lost to land grabbers over a period of one hundred and fifty years. The Court costs that have plagued the owners of The Grant has been excessive with the T.B. Catron Courts spanning period of 37 years from 1884 to his death in 1921 and then continued with A. A. Jones until the Mandate of 1928.

We have a poor track record of winning but with the "skunk inside the hen house", what chance has the Heirs of the Anton Chico Land Grant had in the past. The Federal Government, the State Government, the Lawyers, The Justices of the Supreme



Courts, The Tax Collectors, The Oil and Utility companies. The Dept. of Transportation all have at one time or another conspired directly or by Proxy with the "Land Grabbers" against us and yet the future will be brighter for the Heirs of the Grant because we too now have Doctors, Engineers, Lawyers, Scientists, State Senators and aids in the Congressional Delegations and a strong willed people within the Grant who have integrity and the will to survive against all odds with a Board of Trustees that are committed to the best interests of The Grant.

(CONTINUED ON PAGE 9)



From The Original 378,587.50 Acres granted to us in May 2, 1822, as we enter the New Millennium another 178 years have passed and The Anton Chico Land Grant has been whittled down to 104,949 Acres. If you do the arithmetic, 273,638.5 acres have been lost due to Federal Government negligence and sanction. 72.28% of the original acreage is now in the hands of the Forrest Service and other big land investors.

The Land Grant is presently governed by A Board of Trustees. El Grupo de Fidecomisarios De La Merced De Anton Chico as required by the New Mexico State Statute together with their by-laws approved by the Fourth Judicial District Judge. The present board is lead by its President: Christobal Marquez, Severiano R. Sisneros Jr.: Secretary/treasurer and Members : Delfinio Montano, Felipe Tenorio, and Isidro Nelson.

Originally there existed seven precincts with seven members, but because the town of Dilia feared that T.B. Catron and the Santa Fe Ring would be successful in acquiring the patent of the Anton Chico Grant and fearing the loss of their homes and farmlands and not wishing to spend monies defending the Grant in lengthy court costly battles, filed suit to quiet title to that portion now known as Dilia, the board is now comprised of five Precincts with one member duly elected from each Precinct in accordance with New Mexico state statute and its bylaws governing Land Grant Elections. Precinct #1, Tecolotito is in San Miguel county. Precincts 2,3,4 and 5. Upper Anton Chico, Anton Chico, La Loma and Colonias on the east boundary of the Grant respectively are situated in Guadalupe county.

The Anton Chico Land Grant boasts over 1000 registered voters which if unified could sway the outcome of every election result in Guadalupe and San Miguel counties.

Three events stand out like a sore thumb in this course of history. Primarily is the failure of the Federal Government to protect the rights of the Heirs of the Anton Chico Land Grant under the treaty. The government sanction of its Senators and Congressmen allowing constituents to knowingly and with approval from the highest courts of the land to discriminate and harass the Heirs. This is unprecedented by any prior wars or conflicts won by the United States or other Treaties promulgated in any subsequent wars after this period and it knowingly continues until the present. Thirdly the Federal Government had countless opportunities to intervene and enforce the Treaty in many occasions during the 178 year period. The courts made a mockery of the Constitution of the United States which portion was in effect at that time binding upon the territories. Under Article 111 Judicial Department section 1 applies and section 11 Jurisdiction is very explicit.

1. The judicial power shall extend to all cases in law and equity, arising under this constitution, the laws of the United States, and treaties made or which shall be made, under their authority, to all cases affecting ambassadors, other public ministers and consuls to all cases of admiralty and maritime jurisdiction; to controversies between two or more states, between citizens of different states, between citizens of the same state claiming lands under Grants of different states and between a state or the citizens thereof, and foreign states, citizens or subjects.

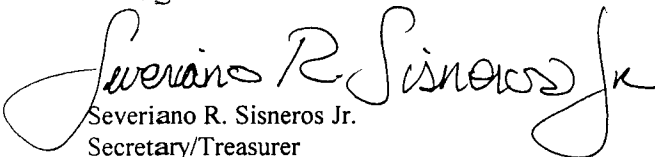
Article IV in its entirety was violated over and over by the courts, one has to assume that this was sanctioned by the U.S. governments

After all, the decision of the Honorable Judge David J. Leahy on September 6, 1915 should have been final and congress should have said enough is enough, but this was not to be as we see that it took seven years in the court of appeals to overturn this mandate. The Santa Fe Ring was relentless casting every statute of limitations aside and The Federal Government just watched:

One atrocity that stands out in the investigations by the Board is the question arising out of the need to sell The mineral Rights in 1925 to pay delinquent land taxes of \$42,000 when in fact since 1884 through 1928 The Land Grant was in pending courts and Atkinson, Preston Beck, T.B. Catron and all the other thieves swore on a stack of Bibles in these court proceedings purporting to have paid the taxes laying claim to their ownership of the patent.

The private properties and farmlands were paid by the owners, so this reveals that the counties of San Miguel and Guadalupe also jumped on the band wagon with the state and Federal Government to defraud the Anton Chico land Grant. When New Mexico turned from territorial taxation To State taxation in 1912, the sum of \$42,000 was an immense amount of money. Evidently the Anton Chico Land Grant was being taxed since Columbus discovered America in 1492 \$42,000 then could be compared to \$4,420,000 today.

The GAO has a very hard and deliberate task of ascertaining these facts, but they will not be alone. The Anton Chico Land Grant will have its watchful eye namely the Board of Trustees to aid the GAO in putting together all the proof that is needed so that they can arrive at the correct remedy which they will recommend to congress.

  
Severiano R. Sisneros Jr.  
Secretary/Treasurer

Attachments:

Map of the Patent  
Petition for forest land  
Land tax certificates  
Judge Leahy's decree  
Reversal & Mandate of 1928